

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14703 of the Board of Trustees of the Corcoran Gallery of Art, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 508 to allow the addition of an office building with accessory parking to an existing art gallery and variances from the floor area ratio requirements (Sub-section 531.1), the maximum distance allowed from a point where a court niche is less than 3 feet wide formed by a semi-circular bay and an adjacent property line (Sub-section 536.8), the minimum width and area requirements of a closed court (Sub-section 536.1) in an SP-2 District at premises 500-530 - 17th Street, N.W., (Square 171, Lot 34).

HEARING DATE: December 9, 1987  
DECISION DATE: January 6, 1988

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (John G. Parsons, Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: April 29, 1988

ORDER

The Board granted the application by its Order dated April 29, 1988, subject to the following conditions:

1. Construction shall be in accordance with the plans marked as Exhibit No. 10, as modified by Exhibits No. 21 and 23A of the record.
2. That ingress and egress to the garage be controlled by a traffic light system allowing orderly passage of vehicles through the area.

By letter dated November 22, 1989, counsel for the applicant requested the Board to waive the provisions of 11 DCMR 3335.3 to allow the filing of a motion for modification of plans more than six months after the final date of the Board's Order. The request for waiver is due to the extended procedural history of the site due to legal challenges at both the BZA and court system levels. The

Board waived its Rules and accepted the motion for modification of approved plans at its Public Meeting of December 6, 1989.

The requested modification of plans is sought by the applicant in order to preserve its options for development in the face of prolonged litigation and would result in the following changes to the previously approved plans:

- a. A relocation of the western wall of the new building 1.891 feet to the east of the western boundary line of the Corcoran's property.
- b. Addition of a second garage access point on E Street, east of the previously approved access point.
- c. Revision of the garage parking plan to include 95 spaces in the garage, instead of 142 parking spaces as originally proposed.
- d. Elimination of Condition No. 2 from the original order of the Board, which required the installation of a light-controlled access system for the garage.

There was no opposition to the proposed modification of plans.

Upon consideration of the motion, the record in the application, and its final order, the Board concluded that the modification of plans, with the exception of the slight relocation of the western wall, were substantial in nature and could not be granted based on the evidence contained in the record. The Board approved the required modification to the western wall and denied the remainder of the requested modification of plans.

By letter dated December 22, 1989, counsel for the applicant filed a revised motion for modification of plans. The requested modification would result in the addition of a new, 19 foot wide garage entrance to the east of the originally approved entrance. In support of the motion, counsel for the applicant noted that the Board's recent approval to move the western wall 1.891 feet to the east would reduce the width of the originally approved garage entrance from 12 feet to approximately 10 feet 2 inches. The proposed garage entrance will provide for two-way access to the garage at all times and will supplement the original garage access. There will be no reduction in the number of parking spaces originally approved and the light controlled access system for the original entrance will remain.

At its Public Meeting of January 3, 1990, the Board accepted into the record a response to the November 22, 1989 motion for modification from counsel for United Unions, Inc., a party in opposition to the application. Opposition's response was untimely filed subsequent to the Board's December 6, 1989 decision on the request. The opposition to the modification of plans is summarized as follows:

1. It is unclear where the proposed new garage entrance will be located and the effects on traffic in the area should be re-evaluated prior to the Board's decision.
2. The proposed reduction in the number of parking spaces would adversely impact on the existing traffic and parking congestion in the area.
3. The relocation of the western wall would result in a gap between the buildings which could result in potential problems with the fire safety aspect of the proposal.


Upon consideration of the revised request for modification of plans, responses thereto, the evidence of record and its final order, the Board concludes that the proposed modification of plans is minor in nature. The applicant needs no further relief from the Board. The material facts the Board relied upon in granting the application are still relevant. It is therefore ORDERED that the MODIFICATION of PLANS is APPROVED and that the plans marked as Exhibit No. 39A of the record shall be substituted for those originally approved by the Board. In all other respects, the order dated April 29, 1988 shall remain in full force and effect.

DECISION DATES: December 6, 1989 and January 3, 1990

VOTE: 4-0 Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to approve; John G. Parsons not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14703order/BHS10

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT




APPLICATION No. 14703

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated JAN 10 1968, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY  
Executive Director

DATE: JAN 10 1968